

3.11 LAND USE

This section addresses land use compatibility issues, as well as potential conflicts with zoning and land use plans and policies, including other habitat conservation plans. State and Federal agencies are not subject to local land use and zoning regulations, but they do take these into consideration and cooperate with local agencies to avoid conflicts to the extent feasible. Additionally, NEPA requires the discussion of possible conflicts between the proposed action and Federal, state, regional, local, or tribal land use plans, policies, or controls for the area. Approaches to resolving these conflicts also must be identified (40 CFR 1502.16[c]; Forty Questions no. 23). The State CEQA Guidelines, section 15125c, also specify that an EIR should discuss any inconsistencies between the proposed project and applicable general plans and regional plans.

3.11.1 Affected Environment

This section provides an overview of the existing land uses and zoning within the proposed Conservation Plan boundary and the off-site alternative conservation areas and draws on the respective General/Comprehensive plans, zoning ordinances, and zoning maps for each affected jurisdiction. Note that for planning purposes, local jurisdictions may have assigned zoning/land use designations to lands outside their direct planning authority, such as Federal or state-managed lands. A more detailed discussion of agricultural and recreational resources is included in sections 3.2 and 3.15, respectively.

Land uses along the LCR and the off-site alternative conservation areas are under the jurisdiction of a number of agencies, including La Paz, Mohave, and Yuma counties in Arizona; Imperial, Riverside, and San Bernardino counties in California; and Clark County, Nevada. In addition, there are a number of incorporated cities in the vicinity, including Bullhead City, Lake Havasu City, Parker, San Luis, Somerton, and Yuma, Arizona; Blythe, and Needles, California; and Laughlin, Nevada. Several Indian reservations are located along the LCR, as well, including those of the Chemehuevi, Cocopah, CRIT, Fort Mojave, Fort Yuma-Quechan, and the Hualapai. Indian tribes are sovereign nations and reservation lands are not subject to local land use controls. A number of Federal agencies manage land along the LCR, including the Service, NPS, BLM, and the Department of Defense. Other land is under the jurisdiction of individual states.

3.11.1.1 Existing Land Uses

Lower Colorado River

REACH 1

Reach 1 is predominantly composed of the Lake Mead NRA, the Hualapai Indian Reservation, and Grand Canyon National Park. The recreation areas are owned and managed by the NPS. Land use in this reach is primarily recreational.

REACH 2

Reach 2 is composed mainly of the Lake Mead NRA, including Lake Mohave. The recreation areas are owned and managed by the NPS. Land use is primarily recreational.

REACH 3

Reach 3 includes the Fort Mojave and Chemehuevi Indian reservations (approximately 29,000 acres of Reach 3 are tribal land), the Havasu and Bill Williams River NWRs (approximately 21,000 acres of Reach 3 are owned by the Service), and incorporated, urbanized areas, such as Bullhead City, Lake Havasu City, Laughlin, and Needles (approximately 24,000 acres are controlled by local jurisdictions). This reach also includes areas used for recreational purposes, such as hiking, hunting, off-highway vehicle (OHV) use, and rockhounding; and agricultural uses and undeveloped open space (primarily in Mohave County).

REACH 4

Reach 4 contains large quantities of agricultural land both in Riverside County and on the CRIT Reservation. Agricultural and open space areas are also present in Imperial County and surrounding the city of Blythe. Additionally, the Cibola NWR and Parker Strip Recreation Area are within this reach. Urbanized areas include the city of Blythe and the Town of Parker. The majority of Reach 4 is tribal land (approximately 146,000 acres) and by local jurisdictions (approximately 109,000 acres).

REACH 5

This reach includes the Imperial NWR, Picacho SRA, and Martinez Lake. Limited agricultural uses presently exist to the west of Martinez Lake. The majority of the land in Reach 5 is managed by the Service (approximately 11,000 acres).

REACH 6

Reach 6 is predominantly agricultural, with scattered areas of urban and developed areas, particularly concentrated around the Yuma area. The Fort Yuma-Quechan Reservation is located within Reach 6 and is largely an agricultural community. The Mittry Lake Wildlife Area is also located in Reach 6. The majority of the land within this reach is tribal land (approximately 11,000 acres), local jurisdictions (approximately 37,000 acres), and the BLM (approximately 9,000 acres).

REACH 7

The predominant land use in Reach 7 is agricultural, with pockets of urban and developed areas, particularly in the northern portion near Yuma. The Cocopah Indian Reservation is located within this reach. Some undeveloped riparian areas border the LCR. The majority of the land in Reach 7 is governed by local jurisdictions (approximately 58,000 acres).

1 *Muddy River/Moapa Valley and Virgin River*

2 Land uses within the Muddy River/Moapa Valley and Virgin River area include agricultural
3 and generally undeveloped rural areas. Additionally, the NDOW's Overton Wildlife
4 Management Area is located within this off-site conservation area and allows for a variety of
5 recreational uses.

6 *Bill Williams River*

7 Land uses within the Bill Williams River off-site conservation area includes the Bill Williams
8 River NWR, agricultural uses, and a portion of Alamo Lake State Park and Alamo Wildlife
9 Area. Most of this area is undeveloped.

10 *Lower Gila River*

11 Agricultural land uses, BLM lands, and Department of Defense lands are in the lower Gila River
12 area. Additionally, the lower Gila River area contains recreational land uses in the Mohawk
13 Valley and Tacna Marsh areas. Scattered towns are present in this area, but urban development
14 is limited.

15 **3.11.1.2 Zoning and Land Use Designations**

16 The agricultural and undeveloped areas along the LCR are zoned for a variety of uses by their
17 respective jurisdictions, although most are zoned for some type of agricultural, low-
18 density/rural residential, open space, or resource conservation use. Areas zoned for
19 commercial, industrial, and more intensive residential uses are generally concentrated near
20 developed areas.¹

21 Along the Muddy River/Moapa Valley and Virgin River, lands are zoned primarily for open
22 space, rural residential, and agricultural uses. The Bill Williams River off-site conservation area
23 primarily is zoned agricultural residential and recreational residential uses. The lower Gila
24 River is zoned for rural uses, including agriculture and open space preservation.

25 **3.11.1.3 General and Comprehensive Plans**

26 Each local jurisdiction in the planning area has prepared a general or comprehensive plan to
27 guide development. Each includes policies intended to minimize impacts of development on a
28 variety of environmental resources. Elements typically include land use, housing, circulation/
29 transportation, open space, conservation, recreation, noise, and safety. Additionally,
30 management plans may be developed for tribal, state, and Federal lands.

¹ La Paz County zoning maps are being revised to obtain consistency with the County's first Comprehensive Plan, which is currently being developed. Therefore, land use designations and accurate zoning information for La Paz County are pending at this time and are not included in the generalized discussion above.

3.11.1.4 Other Conservation Plans

Clark County Multiple Species Habitat Conservation Plan

Clark County, Nevada, has prepared an MSHCP to conserve a wide variety of species and their habitats throughout the county. The area included in the Clark County MSHCP overlaps with that of the proposed Conservation Plan in the portions of Reaches 1 through 3 located in Clark County. The Service has issued a 30-year permit authorizing the incidental take of the listed species covered by the plan. The MSHCP identifies those actions necessary to maintain the viability of natural habitats in the county for approximately 232 species residing in those habitats. While the MSHCP addresses all 232 species, it proposes that 79 of the species that are currently listed be covered by a section 10(a)(1)(B) permit and that prelisting agreements be developed for those species that are not listed. Another 103 species are identified as evaluation species. Among the 79 covered species are the southwestern willow flycatcher (*Empidonax traillii extimus*), Mojave desert tortoise (*Gopherus agassizii*), and blue diamond cholla (*Opuntia whipplei* var. *multigeniculata*).

Northern and Eastern Colorado Desert Coordinated Management Plan

The planning area for the BLM's Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) covers 5.5 million acres in the southeastern California Desert (including lands in San Bernardino, Riverside, and Imperial counties). The northeastern boundary of the planning area is near Needles and travels south just west of the LCR area through Blythe down to the NIB. The western planning area boundary extends to Indio, California. The plan primarily covers lands adjacent to the LCR planning area; however, portions are within the LCR planning area, e.g., near Needles in Reach 3 and in the southern portion of Reach 4. The goal of the plan is to manage species and their habitats on Federal lands administered by the BLM, Joshua Tree National Park, and the U.S. Marine Corps Chocolate Mountains Aerial Gunnery Range. Specific goals include recovery of the desert tortoise, a listed threatened species under both the ESA and the CESA, and conservation of a variety of other species and their habitats.

3.11.2 Environmental Consequences

Significance Criteria

The proposed action would have a significant environmental impact if it would result in any of the following:

- physically divide an established community;
- conflict with existing land uses;
- conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; or
- conflict with any applicable habitat conservation plan or natural community conservation plan.

3.11.2.1 *Alternative 1: Proposed Conservation Plan*

Impacts

The proposed Conservation Plan would not physically divide an established community because conservation area establishment would be implemented on undeveloped or agricultural land and directed away from populated, developed areas. The proposed action would not impede the implementation of the other conservation plans in the general planning area, and it would directly support the Clark County MSHCP by providing \$10,000 per year until 2030 to its Rare Plant Workgroup to support implementation of planned, but unfunded, species conservation measures for the threecorner milkvetch and sticky buckwheat.

The implementation of conservation measures on Federal or state lands would not conflict with any management plans because they would occur only in cooperation with the managing agency and its goals and objectives. Conversations with local planners and review of local land use ordinances indicated that conservation area establishment generally would be considered a permitted use in the undeveloped and agricultural areas where it would occur (personal communications, C. Pulsipher, T. Anthony, S. Mayes-Atkinson, P. Clark, D. Petritz, G. Gallagher, M. Spriggs, F. Villegas, J. Heuberger, and S. Martinez 2003; Imperial County 1998). However, the zoning of each potential conservation project site would be reviewed to minimize any potential conflicts with the plans and policies of local jurisdictions prior to site selection. Additionally, implementation of the mitigation measures identified in this EIS/EIR would minimize the potential for conflicts with policies of local jurisdictions adopted for the purpose of avoiding or mitigating an environmental effect.

Undeveloped lands within the planning area that provide suitable components of habitat for covered species may experience an increase in the population of covered species as a result of dispersal from the conservation areas. Limited areas with suitable habitat in the planning area are available, however, and it is likely that covered species already are present in such areas. Therefore, an increase in the population of covered species would not require changes to land management activities. It is important to note that only increases in populations of covered species that are protected under the ESA or specific state law could affect land management activities. Although the LCR MSCP participants are requesting incidental take coverage for a number of species not listed under the ESA, that coverage does not come into effect unless or until the species is listed. There is no requirement for coverage for incidental take for any unlisted species by any agency or individual within the planning area. Thus, use of any lands outside the conservation areas by covered, but unlisted species, would not require management changes.

Conservation areas would, as needed, incorporate buffer areas to minimize the potential effects of existing land uses and other activities that may be associated with adjacent lands that could adversely affect the ecological functions associated with established land cover types. Moreover, they would be designed to minimize the need for buffers by locating, juxtaposing, and managing established habitats in a manner that would minimize the effect of activities/events that may occur on adjacent lands. The need for buffer lands would be determined based on the site-specific needs identified for each conservation area. Nonetheless, specific, potential conflicts with existing adjacent land uses have been identified in the

agricultural resources and noise analyses (sections 3.2 and 3.12, respectively). These impacts are identified below.

- **Impact AG-3: Runoff from established conservation areas could alter the slopes of adjoining laser-leveled fields.** This impact would be *significant but mitigable to less than significant* through the implementation of **Mitigation Measure AG-1**.
- **Impact AG-4: Covered species attracted to established conservation areas could disperse to other lands within the planning area.** Impacts would be *less than significant*.
- **Impact NOI-1: Construction activities could cause a temporary, substantial increase in ambient noise levels that could exceed local standards if construction occurred in proximity to noise-sensitive receptors.** This impact would be *significant but mitigable to less than significant* through the implementation of **Mitigation Measure NOI-1**.
- **Impact NOI-2: Pumps located near noise-sensitive receptors could cause a substantial increase in ambient noise levels or exceed regulatory thresholds.** This impact would be *significant but mitigable to less than significant* through the implementation of **Mitigation Measure NOI-2**.

Mitigation Measures

No mitigation measures specific to land use are required. The implementation of **Mitigation Measures AG-1, NOI-1, and NOI-2** would minimize potential conflicts with nearby land uses.

Residual Impacts

Residual impacts would be *less than significant* because mitigation measures are available that would reduce or avoid significant impacts to agricultural resources and noise.

3.11.2.2 Alternative 2: No Action Alternative

Impacts

Under the no action alternative, it is likely that conservation measures similar to those included in the proposed action would be implemented since compliance with the ESA still would be required for the covered activities, although some conservation could occur in the off-site conservation areas (as described in section 3.11.2.4 below), as well as along the LCR. The discussion of the proposed action's impacts generally applies to Alternative 2. It is not known, however, if buffer zones would be established or if conservation areas would be sited or managed in a manner that would minimize the effect of implementing the conservation measures on adjacent lands. To the extent that the agencies undertaking the covered activities proceed with ESA compliance through section 7 consultations instead of the section 10 permitting process, there may be a reduced number of covered species because unlisted species would not be included. This would also likely result in a smaller amount of conservation area being established. The same types of impacts would occur as described for the proposed action, but the overall magnitude would be lessened since a smaller amount of conservation area establishment would occur.

1 *Mitigation Measures*

2 No mitigation measures specific to land use impacts are required. Mitigation measures would
3 be developed as appropriate in the course of project-specific environmental reviews. The
4 implementation of measures such as **Mitigation Measures AG-1, NOI-1, and NOI-2** would
5 minimize potential conflicts with nearby land uses. Developing and implementing such
6 mitigation measures is outside the authority of the lead agencies and is beyond the scope of this
7 EIS/EIR.

8 *Residual Impacts*

9 Residual impacts would be *less than significant* because mitigation measures are available that
10 would reduce or avoid significant land use impacts.

11 **3.11.2.3 Alternative 3: Listed Species Only**

12 *Impacts*

13 The discussion of the proposed action's impacts applies to Alternative 3. The same types of
14 impacts would occur as described for the proposed action, but the overall magnitude would be
15 lessened since a smaller amount of conservation area establishment would occur.

16 *Mitigation Measures*

17 No mitigation measures specific to land use are required. The implementation of **Mitigation**
18 **Measures AG-1, NOI-1, and NOI-2** would minimize potential conflicts with nearby land uses.

19 *Residual Impacts*

20 Residual impacts would be *less than significant* because mitigation measures are available that
21 would reduce or avoid significant land use impacts.

22 **3.11.2.4 Alternative 4: Off-Site Conservation**

23 *Impacts*

24 The discussion of the proposed action's impacts applies to Alternative 4. The only difference
25 between this alternative and the proposed action is that the conservation measures would be
26 implemented at different locations (the Muddy/Virgin, Bill Williams, and lower Gila rivers),
27 with the exception of conservation measures directly related to fish, including backwater
28 creation, which would be implemented in the planning area. Conversations with local planners
29 indicated that conservation area establishment generally would be considered a permitted use
30 in the undeveloped and agricultural areas where it would occur (personal communications, C.
31 Pulsipher, B. Delmar, B. Hopkins, and G. Gallagher 2003).

32 *Mitigation Measures*

33 No mitigation measures specific to land use are required. The implementation of **Mitigation**
34 **Measures AG-1, NOI-1, and NOI-2** would minimize potential conflicts with nearby land uses.

3.11 Land Use

- 1 *Residual Impacts*
- 2 Residual impacts would be *less than significant* because mitigation measures are available that
- 3 would reduce or avoid significant land use impacts.